IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 13488 of 2007(E)

PETITIONERS:

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1. K.ISMAIL, RETD.SENIOR CLERK, ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT HOUSE NO. 17/899, MALATHU HOUSE, NEAR ST.ANTONY'S CHURCH, KAKKANAD, KOCHI-21.

2. K.A.HAMSA, RETD.JUNIOR CLERK,ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT ANJIKKATHUPARAMBIL HOUSE, POTTAKUZHI P.O., KALOOR, KOCHI-17.

3. B.A.KOCHAHAMMED, RETD.SENIOR SALESMAN, ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT VELIPARAMBIL HOUSE, NEAR RAILWAY STATION, CHOWWARA.

4. V.S.BALAKRISHNAN, RETD.SALESMAN, ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT SREENILAYAM, KODAPPILLY HOUSE, KAROOR P.O., ALUVA VIA.

5. P.K.RAJAN NAIR, RETD.SALESMAN, ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT VRINDAVAN, KAKKANAD P.O., ERNAKULAM.

6. N.GOPALAN, RETD. CLERK,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT KARAKKATTU HOUSE, P.J.ANTONY ROAD, PALARIVATTOM, KOCHI-25.

7. A.B.KOMALAM, RETD.SALESGIRL,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT UTHRAM HOUSE, ST.MARTIN ROAD, PALARIVATTOM.

8. P.A.VARGHESE, RETD.SALESMAN,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT PUTHIYEDATH HOUSE, PANANGAD P.O.,COCHIN-682 506.

9. C.E.JOSEPH, RETD.SENIOR CLERK,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT CHILLAN HOUSE, NEELESWARAM, KALADY.

10. P.PURUSHAN, RETD.SALESMAN,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT VADACHIRA HOUSE, KAKKANAD, KOCHI-30.

11. K.SUBHASH CHANDRA BOSE, RETD.SALESMAN,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT VALLAZHUTH HOUSE, PALLURUTHY, KOCHI.

12. B.K.ABOOBACKER, RETD.MANAGER,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT MAZHUVANCHERIPARAMBIL HOUSE, DESABHIMANI ROAD, KALOOR, KOCHI-17.

13. E.K.VENUGOPAL, RETD.SENIOR CLERK,
ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT NANDANAM, SOUTH CHITTOOR, KOCHI.

14. M.RAVINDRA PANICKER, RETD.MANAGER IN CHARGE, ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, RESIDING AT UTHRAM HOUSE, ST.MARTIN ROAD, PALARIVATTOM, KOCHI-25.

BY ADV. SRI.K.JAJU BABU
SRI.BRIJESH MOHAN

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

2. THE ERNAKULAM DISTRICT WHOLESALE CO-OPERATIVE CONSUMER STORES LTD.NO.E.122, KAKKANAD, NEAR CIVIL STATION, KOCHI, REPRESENTED BY ITS MANAGING DIRECTOR.

3. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.

R1 & R3 BY GOVT.PLEADER SRI. P.K. RAVIKRISHNAN.
R2 BY ADV. SRI.V.M.SYAM KUMAR
SRI.GEORGE C.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 13488 OF 2007.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF LIST CONTAINING AMOUNTS DUE TO THE PETITIONERS.

EXT. P2 : TRUE COPY OF JUDGMENT DATED 13.1.2005 IN W.P.(C) 22472/03 OF THIS HON'BLE COURT.

EXT. P3 : TRUE COPY OF ORDER NO.C.S.4508/03 DATED 22/6/2005 ISSUED BY THE 1ST RESPONDENT.

EXT. P4 : TRUE COPY OF JUDGMENT DATED 27.11.2006 IN W.P.(C) 17533/06 F THIS HON'BLE COURT.

EXT. P5 : TRUE COPY OF ORDER NO.C.S.4508/03 DATED 19.2.2007 ISSUED BY THE 1ST RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No. 13488 of 2007

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Dated this the 10th day of September, 2007

JUDGMENT

Petitioners are parties to Ext.P4 judgment, wherein this court disposed of the writ petitions filed by the petitioners and others, who are retired employees of the Ernakulam District Wholesale Co-operative Consumer Store, with certain directions. Relevant portions of the directions are extracted hereunder:

> "1) Ext.P9 order dated 28.4.2006 (W.P.(C) 17533/2006) is set aside.
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> 2) Ext.P8 dated 22.6.2005 of the Joint Registrar (General) of the Co-operative Societies, Ernakulam, is restored with the modification that he shall work out afresh, the payment of all retirement benefits due to all the retired employees of the Ernakulam District Wholesale Co-operative Consumer Stores Ltd. No. E.122, Kakkanad, within one month from the date of receipt of a copy of this judgment.
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> 3) The Consumer Stores is given six months time from the date of receipt of a copy of the judgment, to pay off the entire dues to all the retired employees, as per their entitlements, so that this very old matter is finally settled, without the same being allowed to be dragged any further."

Pursuant to the same Ext.P5 order was passed. The prayer in the writ petition is to quash Ext.P5 to the extent it grants more time than what is stipulated in paragraph 11(3) of Ext.P4 judgment. By Ext.P5 the Joint Registrar proceeded to grant time to the Society till 31.10.2010 to pay off the amounts. The contention of the petitioners is that the Joint Registrar did not have any authority to extend the time which was fixed under Ext.P4 judgment of this court.

2. I heard counsel for the Society also. It is clear that the time limit of six months was fixed for payment of dues in Ext.P4 judgment. The Joint Registrar, who is a party to the judgment therefore has no authority whatsoever to extend the period of time when he is bound by the judgment. In such circumstances, the extension of time granted till the year 2010 cannot be granted. Ext.P5 to the said extent is quashed. It is for the petitioners to work out the remedies accordingly.

(K.M. JOSEPH, JUDGE)

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